

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

GEMINI MASTER FUND, LTD. AND  
BLACK MOUNTAIN EQUITIES, INC.,

Plaintiffs,

-against-

ELECTRONIC CIGARETTES  
INTERNATIONAL GROUP, LTD,

Defendant.

**No. 15-cv-3378 (WHP)**

**DEFENDANT ELECTRONIC CIGARETTES INTERNATIONAL GROUP, LTD.'S  
INITIAL DISCLOSURES PURSUANT TO FED. R. CIV. P. 26(a)(1)**

Defendant Electronic Cigarettes International Group, LTD.'s ("ECIG" or "Defendant")), by its attorneys, Robinson Brog Leinwand Greene Genovese & Gluck, P.C., hereby sets forth its Initial Disclosures, pursuant to Fed. R. Civ. P. 26 (a)(1), as follows:

In making these initial disclosures, Defendant states that they are based on the information reasonably available at this time and are made without waiving any objections as to the relevancy, materiality, or admissibility of evidence in this action or any other action or proceeding. Consistent with Rule 26(e) of the Federal Rules of Civil Procedure, Defendant expressly reserves his right to supplement, correct, revise, add to, or clarify the disclosures set forth herein.

**Rule 26(a)(1)(A)(i): NAMES AND ADDRESSES OF INDIVIDUALS WITH DISCOVERABLE INFORMATION**

1. Adam W. Baker, Black Mountain Equities, Inc., 13366 Greenstone Crt., San Diego, CA 92131
2. Adam Long, Managing Director, Monarch Bay Securities LLC, 5000 Birch St, Suite 4800, Newport Beach, CA 92660
3. Brad Richmond, Newport Coast Securities, Inc., 180 Maiden Lane, 17th Floor, New York, NY 10038
4. Darren Stanwood, Senior Associate, Fields Texas Limited, 2802 Flintrock Trace, Suite 233, Austin, TX 78738
5. Philip Anderson, Electronic Cigarette International Group, LTD., 60 W. 23<sup>rd</sup> St, Apt. 601, New York, NY 10010
6. Steven Winters, President, Gemini Strategies, LLC, 619 South Vulcan, Suite 203, Encinitas, CA 92024
7. Tiffany Baxter, Transfer Agent Manager, Nevada Agency and Transfer Company, 50 West Liberty Street, Suite 880, Reno NV 89501

Defendant reserves its right to supplement this disclosure. The identification of witnesses is based on information available through initial investigation at this time and is subject to change. Defendant further reserves its right to identify additional witnesses as more information becomes available during the course of discovery and expressly reserves the right to supplement this Initial Disclosure upon the discovery of additional witnesses with knowledge or information relating to any claims and defenses in this action.

**Rule 26(a)(1)(A)(ii): DOCUMENTS SUPPORTING CLAIMS OR DEFENSES IN DEFENDANT'S POSSESSION, CUSTODY OR CONTROL THAT MAY BE USED TO SUPPORT ITS DEFENSES**

1. Correspondence, including emails, exchanged between or among Defendant, plaintiffs, and their employees or representatives, and the transfer agent, concerning the acquisition of warrants by Plaintiffs, the purported exercise of said warrants, and the claims herein, which documents shall be produced as the review of such documents is completed.

2. The Warrants and stock certificates issued by ECIG at issue in this case.

**Rule 26(a)(1)(A)(iii): COMPUTATION OF DAMAGES**

Defendant anticipates that issues concerning the computation of damages may be the subject of expert testimony and discovery of same shall proceed as provided in the Federal Rules of Civil Procedure. At this time, however, any documents relating to the computation of damages are protected by the attorney-client and attorney work product privileges.

**Rule 26(a)(1)(A)(iv): INSURANCE AGREEMENTS**

None.

Dated: New York, New York  
August 7, 2015

Respectfully submitted,

ROBINSON BROG LEINWAND  
GREENE GENOVESE & GLUCK, P.C.

By: s/Lawrence S. Hirsh  
Lawrence S. Hirsh

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*Attorneys for Defendant*